

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

07 CV 5712

JUDITH H. WEISS,

Plaintiff,

-against-

FRANCES M. CREEM and BETTY M. OLSON,

Defendants.

VERIFIED  
COMPLAINT

**Judge Berman**  
Judge

JURY TRIAL DEMANDED



Plaintiff, complaining of the Defendants, by her attorneys FRIEDMAN FRIEDMAN  
CHIARAVALLOTI & GIANNINI, alleges as follows:

JURISDICTION AND VENUE

FIRST: At all times hereinafter mentioned, the Plaintiff, **JUDITH WEISS**, is a citizen of the State of Virginia.

SECOND: Upon information and belief, at all times hereinafter mentioned, the Defendant, FRANCES M. CREEM, (hereinafter "**CREEM**") is a citizen of the State of New York, County of Ulster.

THIRD: Upon information and belief, at all times hereinafter mentioned, the Defendant, BETTY M. OLSON, (hereinafter "**OLSON**") is a citizen of the State of New York, County of Dutchess.

FOURTH: The amount in controversy in this matter exceeds the sum of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00) exclusive of interest and costs.

FIFTH: Jurisdiction is properly had over this matter pursuant to 28 U.S.C. 1332, pursuant to diversity jurisdiction.

SIXTH: Venue is properly place in the United States District Court for the Southern District of New York, since the Defendant, **OLSON**, resides within that District in the County of Dutchess.

AS AND FOR A FIRST CLAIM FOR RELIEF  
ON BEHALF OF PLAINTIFF JUDITH WEISS

SEVENTH: At all times herein mentioned, Defendant, **CREEM**, was the owner of a 1991 Buick motor vehicle bearing New York State registration number BYM9383.

EIGHTH: At all times herein mentioned, Defendant, **CREEM**, operated the aforesaid motor vehicle.

NINTH: At all times herein mentioned, Defendant, **CREEM**, managed the aforesaid motor vehicle.

TENTH: At all times herein mentioned, Defendant, **CREEM**, controlled the aforesaid motor vehicle.

ELEVENTH: At all times herein mentioned, Defendant, **OLSEN**, was the owner of a 2003 Suzuki motor vehicle bearing New York State registration number NYCOM48.

TWELFTH: At all times herein mentioned, Defendant, **OLSEN**, operated the aforesaid motor vehicle.

THIRTEENTH: At all times herein mentioned, Defendant, **OLSEN**, managed the aforesaid motor vehicle.

FOURTEENTH: At all times herein mentioned, Defendant, **OLSEN**, controlled the aforesaid motor vehicle.

FIFTEENTH: At all times herein mentioned, Plaintiff, **JUDITH H. WEISS**, was a passenger in the vehicle owned and operated by Defendant, **OLSEN**.

SIXTEENTH: At all times herein mentioned, Route 32, Town of Rosendale, 100 feet south of Parkcrest Drive in the County of Ulster, State of New York, were public roadways, streets and/or thoroughfares.

EIGHTEENTH: That on September 18, 2006, at Route 32, Town of Rosendale, 100 feet south of Parkcrest Drive in the County of Ulster, State of New York, the motor vehicles of the Defendants were involved in a collision.

NINETEENTH: That as a result of the aforesaid contact, Plaintiff, **JUDITH H. WEISS**, was injured.

TWENTIETH: That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendants without any fault or negligence on the part of the Plaintiff contributing thereto.

TWENTY-FIRST: That Defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid vehicles and the Defendants were otherwise negligent, careless, and reckless under the circumstances then and there prevailing.

TWENTY-SECOND: That by reason of the foregoing, Plaintiff, **JUDITH H. WEISS**, sustained severe and permanent personal injuries; and Plaintiff, **JUDITH H. WEISS**, was otherwise damaged.

TWENTY-THIRD: That Plaintiff, **JUDITH H. WEISS**, sustained serious injuries as defined by §5102(d) of the Insurance Law of the State of New York.

TWENTY-FOURTH: That Plaintiff, **JUDITH H. WEISS**, sustained serious injuries and economic loss greater than basic economic loss as defined by §5104 of the Insurance Law of the State of New York.

TWENTY-FIFTH: That this action falls within one or more of the exceptions set forth in CPLR §1602.

TWENTY-SIXTH: That by reason of the foregoing, Plaintiff, **JUDITH H. WEISS**, has been damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendants herein, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

**DEMAND FOR TRIAL BY JURY**

Plaintiffs demand a trial by jury as to all issues.

Dated: New York, New York  
June 13, 2007

Yours, etc.



MARIANGELA CHIARAVALLOTI - MC - 0805

Friedman Friedman  
Chiaravalloti & Giannini  
Attorneys for Plaintiff  
2 Rector Street, 21<sup>st</sup> Floor  
New York, New York 10006  
212-267-0380  
Our File No. 06-0785

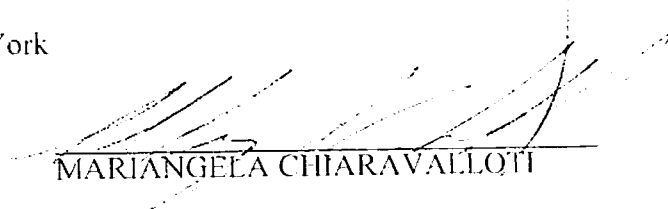
### ATTORNEY'S VERIFICATION

MARIANGELA CHIARAVALLLOTI, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at FRIEDMAN FRIEDMAN CHIARAVALLLOTI & GIANNINI, attorneys of record for Plaintiff. I have read the annexed **COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

This verification is made by me because Plaintiff is not presently in the county wherein I maintain my offices.

DATED: New York, New York  
June 13, 2007



MARIANGELA CHIARAVALLLOTI

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**SUMMONS & VERIFIED COMPLAINT**

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**Friedman Friedman Chiaravalloti & Giannini**  
*Attorneys for plaintiff*  
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